

**FREDERICK COUNTY LIQUOR BOARD**  
***Public Meeting Minutes***  
***Monday, November 26, 2012***

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Those Present: Mr. James E. McClellan, Chairman  
Mr. Richard E. Zimmerman, Board Member  
Mrs. Maggi Hays, Board Member  
Mrs. Linda B. Thall, Sr. Assistant County Attorney  
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector  
Mr. Frank Rauschenberg, Alcoholic Bev. Inspector  
Ms. Kathy L. Vahle, Administrator  
Mrs. Sandra Rees, Administrative Specialist IV  
Mrs. Penny Bussard, Administrative Specialist IV

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A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **Census** – The people who are interested in the licenses available under the Census will have until the close of business on December 3, 2012 to give the Board their information sheet. The Board will then review these information sheets and discuss the results on December 10, 2012.
2. **Monkey La La** – Ms. Vahle stated they requested to expand the establishment into the upstairs area and that was approved several months ago. They are requesting the approval for the outside deck area which is a part of the upstairs expansion. They will have to build stairs to go up to the expanded area.

**MOTION:** Mr. Zimmerman made a motion to approve this request if they meet all the requirements.

**SECOND:** Mrs. Hays seconded the motion.

***FURTHER DISCUSSION***

***ON THE MOTION:*** There was no further discussion on the motion.

**VOTE:** Mr. Zimmerman - Aye  
Mrs. Hays - Aye  
Mr. McClellan - Aye

The vote was unanimous. ***Aye – 3 Nay – 0***

***(Motion Passed)***

3. **Task Force Meeting** – A Task Force meeting on November 9<sup>th</sup>, 2012 regarding the license fees, Carol Krimm stated that there was a hearing being held regarding an outside area of a theatre in Baltimore County. Ms. Vahle stated she researched it and found that it was a non-profit event and the tickets were not sold in advance. The theatre had reached its capacity and crowds had formed so it had to be shut down. Also Ms. Vahle received preliminary figures from the County for expenses of the Liquor Board. There was a huge discrepancy in two accounts. She is working with Finance to determine the reasons.
4. **Reconsideration for Cellar Door** – Ms. Vahle stated the Cellar Door formally requested a reconsideration of the decision made by the Board on November 19, 2012. Mr. Zimmerman stated he felt the Board was fair in their decision and that in his opinion there should not be another Hearing.

**MOTION:** Mr. Zimmerman made a motion to not hold a hearing on the request for reconsideration.

**SECOND:** Mrs. Hays seconded the motion.

***FURTHER DISCUSSION***

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Zimmerman - Aye  
Mrs. Hays - Aye  
Mr. McClellan - Aye

The vote was unanimous. ***Aye – 3 Nay – 0***  
***(Motion Passed)***

Mr. Zimmerman stated he had mixed feelings with the decision, and he would be in favor of granting some relief. Mrs. Hays feels this is not a technical violation because the patron was visibly under the influence and she would let it stand.

**MOTION:** Mr. Zimmerman made a motion to give relief in the form of \$250.

**AMENDED MOTION:** Mrs. Hays made a motion to suspend the \$250 of the fine if there are no further violations for 90 days.

**SECOND:** Mr. Zimmerman seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mrs. Hays - Aye  
Mr. Zimmerman - Aye  
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

5. Decision Required: Transfer

**TRANSFER FROM:** RE: Jean P. Snyder and David A.  
Snyder for the use of Enola  
Inc.  
t/a Café Nola  
4 East Patrick St.  
Frederick, MD 21701  
Class B, On Sale, Beer, Wine & Liquor

**TRANSFER TO:** RE: Michael V. Long and David A.  
Snyder for the use of Enola  
Inc.  
t/a Café Nola  
4 East Patrick St.  
Frederick, MD 21701  
Class B, On Sale, Beer, Wine & Liquor

The Board held a hearing for a transfer of a license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending item is: the Final Stock Certificates. Mr. Stern, Attorney, stated he is holding in escrow all the stock certificates pending the outcome of this Hearing. Inspector Rauschenberg stated they are compliant.

**MOTION:** Mrs. Hays made a motion for approval.

**SECOND:** Mr. Zimmerman seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mrs. Hays - Aye  
Mr. Zimmerman - Aye  
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

6. **Personal Note** – Mr. Stern, Attorney, congratulated Doc McClellan for his years of service.
7. Decision Required: approval of the Public Meeting Minutes for November 19, 2012.

**MOTION:** Mr. Zimmerman made a motion to approve the Public Meeting Minutes for November 19, 2012.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Zimmerman - Aye  
Mrs. Hays – Aye  
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

8. **Enomatic Wine Dispenser** – Donna Zukus stated their concept will not be a bar but more of an education based wine tasting to promote the culture of wines. They would like to have classes, wine education and to wine tasting. The establishment will be an upscale and relaxed atmosphere and the atmosphere and the price will deter underage patrons. Also they will have a menu and coffees available. A card would be purchased by the patron with a prepaid amount and they would be ID'd at that time. They can limit the amount of the card so that the patron must come back to refill the card. Then the employee could judge as to their level of intoxication. The restaurant would be approximately 2,000 sq ft. Mr. Zimmerman was concerned about minors obtaining the card. Ms. Zukus stated they could have a bracelet type monitoring. Ms.

Vahle told Ms. Zukus that she would have to have an address for the location to submit the information sheet by December 3, 2012.

9. **Frederick News Post** – Mr. Zimmerman thanked Danielle, News Reporter for her fine service of covering the Hearings and particularly for the article on Doc's pending retirement.
10. **Olive's Restaurant** – Inspector Rauschenberg stated that this establishment has outside music which is quite loud. There have been no complaints from the neighborhood yet. Speakers are placed outside the door.
11. **Mistero** - Inspector Rauschenberg stated he has been in this establishment several times a night and there is no problem with noise coming from within. There are no outside speakers.

#### **ADJOURN**

The meeting was adjourned at 9:44 am.

Respectfully submitted,

Kathy Vahle, Administrator  
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees